

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3730 of 1989

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the Civil Judge? : NO

PANKAJKUMAR MORARBHAI CONTRACTOR

Versus

H C HALDAR

Appearance:

MR RC JANI for Petitioner
MR PRANAV G DESAI for Respondent No. 1

CORAM : MR.JUSTICE R.K.ABICHANDANI

Date of decision: 30/11/2000

ORAL JUDGEMENT

The petitioner had prayed for a direction on the Municipal Commissioner of the Baroda Municipal Corporation to issue order of his appointment as an Executive Engineer in compliance with the Board's Resolution dated 23.12.1987. In the affidavit-in-reply

which has been filed the municipal authorities have stated that the petitioner has been appointed as Executive Engineer by order dated 16.6.1989, at Annexure-I to the reply, and that he has also been paid necessary wages for the said post from 16.6.1989. In view of this order the learned counsel for the petitioner states that the major part of the grievance of the petitioner stands redressed and therefore the petition now would not survive. However, if any benefit remains to be given to the petitioner on the basis of this promotion, it may be left open to the petitioner to approach the Corporation in the matter. The petition is therefore rejected on the ground it does not survive in view of the promotion order of the petitioner issued as stated in the affidavit-in-reply. Rule is discharged with no order as to costs. Interim relief stands vacated.

2 If the petitioner makes any application for consequential reliefs which may not have been given to him, such application will be duly considered and appropriate order will be made in accordance with law by the municipal authorities expeditiously.

(mohd)